

**RESOLUTION NO. 74740**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SECOND AMENDMENT TO THE CONSULTANT AGREEMENT WITH ALLANA BUICK & BERS, INC. FOR SERVICES RELATED TO THE REPAIR AND MODIFICATION OF THE ENVIRONMENTAL SERVICES BUILDING AT THE SANTA CLARA WATER POLLUTION CONTROL PLANT, TO MODIFY THE SCOPE OF SERVICES, INCREASE MAXIMUM COMPENATION IN AN AMOUNT NOT TO EXCEED \$200,000, AND EXTEND THE TERM THROUGH DECEMBER 31, 2010**

**WHEREAS**, on November 14, 2006, the City of San José ("City") and Allana Buick & Bers, Inc. ("Consultant") entered into an agreement under which the Consultant is to perform architectural engineering services related to the repair and modification of the Environmental Services Building at the San José/Santa Clara Water Pollution Control Plant ("Agreement"); and

**WHEREAS**, on January 15, 2008, the City and Consultant executed a First Amendment to the Agreement extending the term to July 31, 2010, amending the scope of services, and increasing compensation by \$276,695.00; and

**WHEREAS**, the City desires to negotiate and execute a Second Amendment to the Agreement to further modify the scope of services, to increase compensation by up to \$200,000, and to extend the term through December 31, 2010;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager is hereby authorized to negotiate and execute a Second Amendment to the Agreement with Allana Buick & Bers, Inc. for professional services related to the

repair and modification of the Environmental Services Building at the San José/Santa Clara Water Pollution Control Plant as follows:

1. Amending the scope of services as necessary to accommodate additional professional work, including extensive heating/ventilation/air conditioning construction phase coordination, additional LEED coordination, providing phasing plans that accommodate on-going lab operations during construction, and accommodating an expanded work scope for LEED certification resulting in a longer project schedule than previously planned;
2. Increasing the maximum compensation by an amount not to exceed \$200,000, for a total maximum compensation not to exceed \$787,495; and
3. Extending the term of the Agreement through December 31, 2010.

ADOPTED this 16<sup>th</sup> day of December, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,  
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS,  
REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk